

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Regulation 4319.25: Political Activities Of Employees

Original Adopted Date: 1/17/2024

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

District employees shall not:

1. Use district funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054, 7056; Government Code 8314)
2. Use the district's seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of a reproduction or facsimile of the seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the Board, a Board member, or the district (Elections Code 18304)
3. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
5. Use district equipment for the preparation or reproduction of political campaign materials
6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on district property
7. Disseminate political campaign materials through the district's mail service, e-mail, or staff mailboxes
8. Use students to write, address, or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of all perspectives
10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time

Political Activities of Employee Organizations

Employee organizations shall not use district funds, services, supplies, or equipment, such as staff mailboxes or the district mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

No employee organization or its officers, agents, or representatives shall be prohibited from

soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 38130-38139

Ed. Code 51520

Ed. Code 7050-7058

Elec. Code 18304

Gov. Code 3543.1

Gov. Code 82041.5

Gov. Code 8314

Pen. Code 424

Description

[Civic Center Act](#)

[Prohibited solicitations on school premises](#)

[Political activities of school officers and employees](#)

[Prohibition against use of district seal in campaign literature](#)

[Rights of employee organizations](#)

[Mass mailing](#)

[Unlawful use of state resources](#)

[Embezzlement and falsification of accounts by public officers](#)

Management Resources

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Public Employment Relations Board
Ruling

Public Employment Relations Board
Ruling

Description

77 Ops.Cal.Atty.Gen. 56 (1994)

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

Pickering v. Board of Education Township High School District,
(1968) 88 S. Ct. 1731

L.A. Teachers Union v. L.A. City Board of Education, (1969) 71
Cal.2d 551

San Leandro Teachers Association v. Governing Board of the
San Leandro Unified School District, (2010) 46 Cal. 4th 822

Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th
236

Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412

California Teachers Association v. Governing Board of San
Diego Unified School District, (1996) 45 Cal.App. 4th 1383

Downs v. Los Angeles Unified School District, (9th Cir. 2000)
228 F.3d 1003

Turlock Joint Elementary School District, (2004) PERB Dec.
No. 1490a

East Whittier School District (2004) PERB Dec. No. 1727

Public Employment Relations Board Ruling	Conejo Valley Unified School District, (2009) PERB Dec. No. 2054
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Public Employment Relations Board Ruling	San Diego Community College District, (2001) PERB Dec. No.1467
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	California Public Employment Relations Board
Website	CSBA

Cross References

Code	Description
1160	Political Processes
1325	Advertising And Promotion
1330	Use Of School Facilities
1330	Use Of School Facilities
3512	Equipment
3512-E(1)	Equipment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4140	Bargaining Units
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4240	Bargaining Units

4319.1	<u>Civil And Legal Rights</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4319.22	<u>Dress And Grooming</u>
4340	<u>Bargaining Units</u>
6144	<u>Controversial Issues</u>